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AMENDMENTS TO LB 734

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 31-735, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 31-735. (1) On the first Tuesday after the second Monday
6 in September which is at least fifteen months after the judgment of
7 the district court creating a sanitary and improvement district and
8 on the first Tuesday after the second Monday in September each two
9 years thereafter, the board of trustees shall cause a special
10 election to be held, at which election a board of trustees of five
11 in number shall be elected. Each member elected to the board of
12 trustees shall be elected to a term of two years and shall hold
13 office until such member's successor is elected and qualified. Any
14 person desiring to file for the office of trustee may file for such
15 office with the election commissioner, or county clerk in counties
16 having no election commissioner, of the county in which the greater
17 proportion in area of the district is located not later than fifty
18 days before the election. If such person will serve on the board
19 of trustees as a designated representative of a limited
20 partnership, general partnership, limited liability company,
21 public, private, or municipal corporation, estate, or irrevocable
22 trust which owns real estate in the district, the filing shall
23 indicate that fact and shall include appropriate documentation
24 evidencing such fact. No filing fee shall be required. A person

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1 filing for the office of trustee to be elected at the election held
2 four years after the first election of trustees and each election
3 thereafter shall designate whether he or she is a candidate for
4 election by the resident owners of such district or whether he or
5 she is a candidate for election by all of the owners of real estate
6 located in the district. If a person filing for the office of
7 trustee is a designated representative of a limited partnership,
8 general partnership, limited liability company, public, private, or
9 municipal corporation, estate, or irrevocable trust which owns real
10 estate in the district, the name of such entity shall accompany the
11 name of the candidate on the ballot in the following form: (Name
12 of candidate) to represent (name of entity) as a member of the
13 board. The name of each candidate shall appear on only one ballot.

14 The name of a person may be written in and voted for as a
15 candidate for the office of trustee, and such write-in candidate
16 may be elected to the office of trustee. A write-in candidate for
17 the office of trustee who will serve as a designated representative
18 of a limited partnership, general partnership, limited liability
19 company, public, private, or municipal corporation, estate, or
20 irrevocable trust which owns real estate in the district shall not
21 be elected to the office of trustee unless (a) each vote is
22 accompanied by the name of the entity which the candidate will
23 represent and (b) within ten days after the date of the election
24 the candidate provides the county clerk or election commissioner
25 with appropriate documentation evidencing his or her representation
26 of the entity. Votes cast which do not carry such accompanying
27 designation shall not be counted.

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1 A trustee shall be an owner of real estate located in the
2 district or shall be a person designated to serve as a
3 representative on the board of trustees if the real estate is owned
4 by a limited partnership, general partnership, limited liability
5 company, public, private, or municipal corporation, estate, or
6 irrevocable trust. Notice of the date of the election shall be
7 mailed by the clerk of the district not later than sixty-five days
8 prior to the election to each person who is entitled to vote at the
9 election for trustees whose property ownership or lease giving a
10 right to vote is of record on the records of the register of deeds
11 as of a date designated by the election commissioner or county
12 clerk, which date shall be not more than seventy-five days prior to
13 the election.

14 (2) For any sanitary and improvement district, persons
15 whose ownership or right to vote becomes of record or is received
16 after the date specified pursuant to subsection (1) of this section
17 may vote when such person establishes their right to vote to the
18 satisfaction of the election board. At the first election and at
19 the election held two years after the first election, any person
20 may cast one vote for each trustee for each acre of unplatted land
21 or fraction thereof and one vote for each platted lot which he or
22 she may own in the district. At the election held four years after
23 the first election of trustees, two members of the board of
24 trustees shall be elected by the legal property owners resident
25 within such sanitary and improvement district and three members
26 shall be elected by all of the owners of real estate located in the
27 district pursuant to this section. Every resident property owner

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1 may cast one vote for a candidate for each office of trustee to be
2 filled by election of resident property owners only. Such resident
3 property owners may also each cast one vote for each acre of
4 unplatted land or fraction thereof and for each platted lot owned
5 within the district for a candidate for each office of trustee to
6 be filled by election of all property owners. For each office of
7 trustee to be filled by election of all property owners of the
8 district, every legal property owner not resident within such
9 sanitary and improvement district may cast one vote for each acre
10 of unplatted land or fraction thereof and one vote for each platted
11 lot which he or she owns in the district. At the election held
12 eight years after the first election of trustees and at each
13 election thereafter, three members of the board of trustees shall
14 be elected by the legal property owners resident within such
15 sanitary and improvement district and two members shall be elected
16 by all of the owners of real estate located in the district
17 pursuant to this section, except that if more than fifty percent of
18 the homes in any sanitary and improvement district are used as a
19 second, seasonal, or recreational residence, the owners of such
20 property shall be considered legal property owners resident within
21 such district for purposes of electing trustees, and at the
22 election held six years after the first election of trustees and at
23 each election thereafter, three members of the board of trustees
24 shall be elected by the legal property owners resident within such
25 sanitary and improvement district and two members shall be elected
26 by all of the owners of real estate located in the district
27 pursuant to this section. If there are not any legal property

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1 owners resident within such district or if not less than ninety
2 percent of the area of the district is owned for other than
3 residential uses, the five members shall be elected by the legal
4 property owners of all property within such district as provided in
5 this section. Any public, private, or municipal corporation owning
6 any land or lot in the district may vote at such election the same
7 as an individual. For purposes of voting for trustees, each
8 condominium apartment under a condominium property regime
9 established prior to January 1, 1984, under the Condominium
10 Property Act or established after January 1, 1984, under the
11 Nebraska Condominium Act shall be deemed to be a platted lot and
12 the lessee or the owner of the lessee's interest, under any lease
13 for an initial term of not less than twenty years which requires
14 the lessee to pay taxes and special assessments levied on the
15 leased property, shall be deemed to be the owner of the property so
16 leased and entitled to cast the vote of such property. When
17 ownership of a platted lot or unplatted land is held jointly by two
18 or more persons, whether as joint tenants, tenants in common,
19 limited partners, members of a limited liability company, or any
20 other form of joint ownership, only one person shall be entitled to
21 cast the vote of such property. The executor, administrator,
22 guardian, or trustee of any person or estate interested shall have
23 the right to vote. No corporation, estate, or irrevocable trust
24 shall be deemed to be a resident owner for purposes of voting for
25 trustees. Should two or more persons or officials claim the right
26 to vote on the same tract, the election board shall determine the
27 party entitled to vote. Such board shall select one of their

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1 number chairperson and one of their number clerk. In case of a
2 vacancy on such board, the remaining trustees shall fill the
3 vacancy on such board until the next election.

4 (3) The election commissioner or county clerk shall hold
5 any election required by subsection (1) of this section by sealed
6 mail ballot by notifying the board of trustees on or before July 1
7 of a given year. The election commissioner or county clerk shall,
8 at least twenty days prior to the election, mail a ballot and
9 return envelope to each person who is entitled to vote at the
10 election and whose property ownership or lease giving a right to
11 vote is of record with the register of deeds as of the date
12 designated by the election commissioner or county clerk, which date
13 shall not be more than seventy-five days prior to the election.
14 The ballot and return envelope shall include: (a) The names and
15 addresses of the candidates; (b) room for write-in candidates; and
16 (c) instructions on how to vote and return the ballot. Such
17 ballots shall be returned to the election commissioner or county
18 clerk no later than 10 a.m. of the first Thursday following the
19 election.

20 Sec. 2. Original section 31-735, Reissue Revised
21 Statutes of Nebraska, is repealed.".